THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):   Elazar Rabbani et al.

Serial No.   09/439,594   Group Art Unit: 1656

Filed: November 12, 1999   Ex'r: Joyce Tung

Title: DETECTING THE PRESENCE OF SPECIFIC TARGET NUCLEIC
ACID SEQUENCES THROUGH STEM-LOOP FORMATION (As Previously Amended)

FILED BY EXPRESS MAIL

MAIL STOP -- NON-FEE AMENDMENTS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

   Transmitted herewith is an Amendment Under 37 C.F.R. §1.115 (In Response To The July 30, 2003 Office Action) in the above-identified patent application.

   The claim fee* has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total	121	Minus	121	=0	X 9	$558
Indep	3	Minus	10	=0	X 42	$ 0
( )	First Presentation of Multiple Dependent Claims				+ 140	$ 0
	TOTAL ADDITIONAL FEE					$ 0

* Small entity status was previously established and is still applicable.

( )   Charge Deposit Account No. 05-1135 in the amount of $_____.

( )   A check in the amount of $_____ is attached.

(X)   The Commissioner is hereby authorized to charge payment of the following

fees associated with this communication or credit any overpayment to

Deposit Account No. 05-1135 any filing fees under 37 C.F.R. §1.16 for the

Enz-58(D1)

Elazar Rabbani et al.
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Filed: November 12, 1999
Page 2 [Transmittal -- September 16, 2003]

presentation of extra claims and any patent application processing fees under

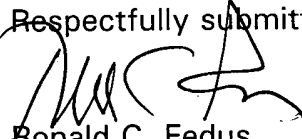37 C.F.R. §1.17.

Copies are being provided in triplicate.

Also enclosed: Terminal Disclaimer To Obviate A Provisional Double
                      Patenting Rejection Over A Pending Second Application
                      (Exhibit 1 to Amendment)

                      Communication (Directed To August 15, 2003 Notice Of
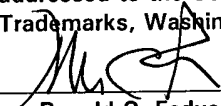   Non-Compliant Amendment (Voluntary Revised Practice)

                                              Respectfully submitted,

September 16, 2003   Ronald C. Fedus
      Date   Registration No. 32,567
                                              Attorney for Applicant(s)

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Attorney's Docket No.: Enz-58(D1)

EXPRESS MAIL CERTIFICATE
"Express Mail" Label No.: EL491424379US
Deposit Date: September 16, 2003
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.110 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231
Ronald C. Fedus   SEPT 16 2003
Reg. No. 32,567   Date

Enz-58(D1)

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,594	11/12/1999	ELAZAR RABBANI	ENZ-58(DIV1)	1840

28170   7590   08/15/2003

ENZO DIAGNOSTICS, INC.
C/O ENZO BIOCHEM INC.
527 MADISON AVENUE 9TH FLOOR
NEW YORK, NY   10022

OIPE
SEP 16 2003
PATENT & TRADEMARK OFFICE

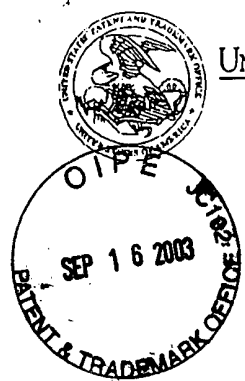| EXAMINER |
|---|
| TUNG, JOYCE |

ART UNIT	PAPER NUMBER
1637	19

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

(F)

SEP 1 6 2003

Paper No. 19

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed _8\8\03_ under the voluntary revised amendment practice guidelines[1], published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

☐ 1. A complete listing of all of the claims is not present in the amendment paper.

☒ 2. The listing of claims does not include the text of all claims currently under examination. Claims 147-165, 167-182 and 184-200 texts are missing.

☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.

☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.

☐ 5. Other: _____

_____

_____

RECEIVED
SEP 2 5 2003
TECH CENTER 1600/2900

LIE: Check one of the following boxes:

☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

[Signed by Team Leader]

Team Leader

[1] For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf and
http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprac.pdf

March 26, 2003